

REMARKS

The Examiner has rejected claim 5 under Section 112 as vague for using the phrase "a first one of which is followed by cropping..." Claim 5 has been amended per the Examiner's suggestion to be more clear.

The Examiner has also rejected independent claim 5 (and claims 6-12 which are dependent thereon) as anticipated by the Schneider '636 reference.

It is noted that new claim 13 has been added for purposes of completeness.

Section 102 Rejection

The Examiner has rejected pending claims 5-12 as anticipated by the Schneider '636 reference.

It is believed that the previous claim 5 patentably defined the originally disclosed invention over the prior art of record. For purposes of clarity, the present amendment to claim 5 is submitted.

The Schneider '636 reference discloses a tubular package in which protrusions 37 are formed at the bottom edges of the package. These protrusions 37 are, in a first step, according to the Schneider disclosure, mechanically isolated/arranged in a flat orientation by a "plunger action 31" as shown in Schneider's Fig. 19. Next, in a second mechanical step according to the Schneider disclosure, the protrusions 37 are folded 180 degrees from horizontal to a position underlying the bottom of the package. This procedure results in a product where a double layer of film, indeed a quadruple layer of film is formed on the bottom of the end package in a cumbersome two step process.

Amended claim 5 calls for the folding and bonding of the wings formed in the process to occur without an intermediate step which is believed to patentably distinguish over the Schneider disclosure.

New claim 13 calls for the wings to be folded and bonded onto the triangles. Schneider teaches a clearly contrary process that requires a separate step of using a plunger to hold Schneider's bag in place in order to initially position the bag for performing a second separate step of folding the protrusions over a 180 degree angle underneath the bag.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

There is no fair teaching, hint or suggestion in Schneider of the claimed invention of the present application. The Schneider method requires multiple steps which slow the process down. And, the Schneider process produces a product different in both appearance and functional structure. It would require re-invention of the disclosure of Schneider to arrive at the present invention.

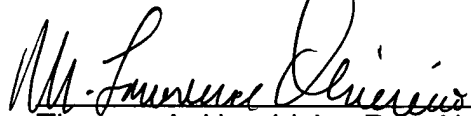
CONCLUSION

Reconsideration of the present application and withdrawal of the outstanding rejections is respectfully requested in view of the present amendments and remarks.

If the Examiner believes that a teleconference would expedite resolution of any matter with regard to the present Application, the examiner is respectfully invited to call the Applicants' attorney at the number listed below. If any fees beyond the fees submitted concurrently with this Amendment and Response are required for any reason, all such fees may be charged to the account of the undersigned, Deposit Account No. 06-0916.

Respectfully submitted,

Giorgio Trani et al



Therese A. Hendricks, Reg. No. 30, 389
M. Lawrence Oliverio, Reg. No. 30,915
Finnegan, Henderson,
Farabow, Garrett and Dunner
1300 I Street N.W.
Washington, D.C. 20005
617-452-1600

Docket No. 8493.7004.000

Date: *May 16, 2005*

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

MARKED-UP CLAIMS

5. (Amended) A method for manufacturing an inherently stable container made of flexible material, comprising the following steps:

- a) folding a continuous film of flexible material of appropriate width, to obtain a pouch by way of a longitudinal heat-seals and by way of evenly spaced transverse heat-seal, [a first one of which is] followed by cropping the folded film transversely;
- b) heat-sealing in sides of the pouch, at a region of the transverse heat-seals, two triangles having wings, the triangles having [, each of which has] a base which coincides with one edge of the pouch and vertex which wedges inwards said pouch;
- c) punch opening said pouch, and optionally filling the pouch with a product;
- d) folding and bonding [, with an adhesive means,] the wings without an intermediate step [that form adjacent to the base] and, after filling the pouch, simultaneously with the bonding of the wings, heat-sealing an upper open mouth of the pouch.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com